

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GABRIEL GIGENA,

Plaintiff,

v.

RICK FINCH, et al.,

Defendants.

No. 2:23-cv-01234-DAD-CKD (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 3)

Plaintiff Gabriel Gigena, proceeding *pro se* and *in forma pauperis*, initiated this civil action on June 27, 2023. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 8, 2023, the assigned magistrate judge screened plaintiff's complaint and issued findings and recommendations recommending that this action be dismissed, without leave to amend, because this court does not have subject matter jurisdiction over plaintiff's sole claim—a conversion claim brought under California state law. (Doc. No. 3 at 2–5.) Specifically, the magistrate judge explained that “the complaint does not plead a federal claim based on federal law and does not present any substantial federal question,” and “[c]omplete diversity of the parties is also absent.” (*Id.* at 5.) Those pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)

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1 days after service. (*Id.*) To date, no objections to the pending findings and recommendations
2 have been filed, and the time in which to do so has now passed.

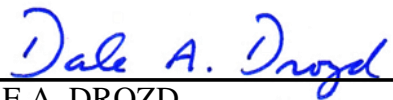
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on August 8, 2023 (Doc. No. 3) are
8 adopted in full;
- 9 2. This action is dismissed due to this court's lack of jurisdiction over plaintiff's
10 claim; and
- 11 3. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: September 24, 2023

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15 DALE A. DROZD
16 UNITED STATES DISTRICT JUDGE
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